

FOURTH APPELLATE DISTRICT
DIVISION ONE
May 17, 2004

D044188 In re Caitlyn O. et al., on Habeas Corpus

The petition is denied.

D041115 In re Marriage of Moeller

The portion of the judgment concerning Asset No. 3 that charges Peter with \$330,620 is reversed. The portion of the judgment concerning Asset No. 3 is modified to award the asset to Laura at the amount of \$239,380. The portion of the judgment concerning Asset No. 5 is modified to charge Peter with \$50,000 for encumbering the asset. The portion of the judgment concerning Asset No. 9 is modified to award the asset to Peter at the amount of \$205,000. The portion of the judgment concerning Asset No. 15 is reversed, and the trial court is directed to award the asset to Laura at the amount of \$3,195,000. The portion of the judgment concerning Asset No. 17(a) that charges Peter with \$365,000 is reversed and remanded to the trial court. The portion of the judgment concerning Asset No. 24 is reversed. The portion of the judgment concerning Asset No. 33 is reversed and remanded to the trial court. The remainder of the judgment is affirmed. The matter is remanded to the trial court for further proceedings consistent with this opinion, including adjustment of the equalization payment. The parties shall bear their own costs on appeal. Irion, J.; We Concur: Haller, Acting P.J., O'Rourke, J.

D043339 Otay Water District Ex Rel. Dassaro v. Bonilla et al./Otay Water District/Dassaro

Upon filing a written abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

D041910 People v. Shaw

The judgment is affirmed. Huffman, Acting P.J.; We Concur: McDonald, J., Aaron, J.

D042017 People v. Wilkerson

The judgment is affirmed. Haller, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D044063 Eurodesign Cabinets Inc., v. Superior Court of San Diego County Annett et al.

The petition is denied.

D042070 Mira Mar Mobile Community et al. v. City of Oceanside et al./CH Oceanside

The judgment is affirmed. The City is entitled to its costs on appeal. McIntyre, J.; We Concur: Nares, Acting P.J.; McDonald, J.

D043100 In re Marriage of Hytken

Appellant has failed to file a brief after the notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

FOURTH APPELLATE DISTRICT
DIVISION ONE
May 18, 2004

D043203 In re Karissa F. et al., a Juvenile

The juvenile court's jurisdictional and dispositional order is affirmed. McIntyre, J.; We Concur: Nares, Acting P.J., Irion, J.

D043938 Geraldine D. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

By failing to file a timely petition for writ relief, the notice of intent is deemed to be abandoned. The case is dismissed.

D043587 In re James M., a Juvenile

The order is affirmed. O'Rourke, J.; We Concur: Haller, Acting P.J., McDonald, J.

D044182 In re Lopez on Habeas Corpus

The petition is denied without prejudice to refiling after consideration by the superior court.

D043978 Grayson v. Superior Court of San Diego County/People of the State of California

At the request of petitioner, the petition for writ of mandate is dismissed.

FOURTH APPELLATE DISTRICT
DIVISION ONE
May 19, 2004

D044183 In re Allison on Habeas Corpus

The petition is denied.

D041918 City of San Diego v. Kevin B.

Because appellant was never assessed or evaluated, city had no power to bring a petition under section 8102, subdivision (c). Accordingly, the trial court erred in granting city's petition. The order appealed from is reversed. CERTIFIED FOR PUBLICATION Benke, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

D041592 People v. McCastle et al.

Judgments affirmed. Benke, J.; We Concur: McConnell, P.J., Nares, J.

D043252 In re Marriage of Rose and Vogt

The appeal is dismissed pursuant to California Rules of Court, rule 17(a).

D043559 People v. Hall

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately.

FOURTH APPELLATE DISTRICT
DIVISION ONE
May 20, 2004

D043726 In re Larry H., a Juvenile

The petition is denied. McConnell, P.J.; We Concur: Haller, J., McIntyre, J.

D042918 In re Timothy H., a Juvenile

The petition for rehearing is denied.

D043478 People v. Ransom

The judgment is affirmed. McDonald, J.; We Concur: Haller, Acting P.J., Irion, J.

D042834 In re Angel C., a Juvenile

The judgment is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., Aaron, J.

D044224 People v. Pross

The appeal in this matter challenges solely the validity of a plea or admission. Appellant's request for certificate of probable cause having been denied and no appealable issues having been raised in compliance with California Rules of Court, rule 30(b), the appeal is dismissed.

D044296 Vasquez v. Superior Court of San Diego County/People

At the request of petitioner, the petition for writ of mandate is dismissed.

D040093 Zamora et al. v. Conseco Finance Servicing Group

Conseco's appeal is declared moot and the judgment is remanded for the sole purpose of restoring jurisdiction of the matter to the superior court (see Paul v. Milk Depots, Inc. (1964) 62 Cal.2d 129, 134-135; National Assn. of Wine Bottlers v. Paul (1969) 268 Cal.App.2d 741, 747-748), with directions to that court to hear the substitution motion and to dismiss Conseco from the action. Each party is to bear its own costs of appeal. McIntyre, J.; We Concur: Huffman, Acting P.J., Aaron, J.

D041821 People v. Gunn

The order is affirmed. McDonald, J.; We Concur: Benke, Acting P.J., Aaron, J.

D043695 San Diego Unified Port District v. Superior Court of San Diego County/San Diego County Regional Airport Authority

Let a writ of mandate issue directing the superior court to vacate its order of January 13, 2004, denying the Port's motion to disqualify Morrison & Foerster and enter an order disqualifying Morrison & Foerster from representing the San Diego County Regional Airport Authority in this action only. As to Lobner and in all other respects, the petition is denied. The motion to dismiss is denied. Costs to be borne by each party individually.

D044325 People v. Murray

Appellant's request for certificate of probable cause having been denied and no appealable issues having been raised in compliance with California Rules of Court, rule 30(b), the appeal is dismissed.

D043560 In re Austin P., a Juvenile

The order is affirmed. CERTIFIED FOR PUBLICATION. Aaron, J.; We Concur: Haller, Acting P.J.; McDonald, J.

FOURTH APPELLATE DISTRICT
DIVISION ONE
May 21, 2004

**D044121 California Chiropractic Association v. Superior Court of San Diego
County/American Specialty Health Plans, Inc., et al.**

The petition is denied.

D042955 In re Sharay M., a Juvenile

The judgment terminating parental rights is reversed. The court is directed to ensure that proper notice is given under the ICWA. If, after receiving notice, no tribe intervenes, the juvenile court shall reinstate the judgment. CERTIFIED FOR PUBLICATION. McDonald, J.; We Concur: Benke, Acting P.J., Aaron, J.

D044186 Leone v. Reaves

Pursuant to California Rules of Court, rule 8, the appeal is dismissed for appellant's failure to timely designate the record (Cal. Rules of Court, rules 4(a) and 5 (a)).

D043475 People v. Medina

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 33(c)(5) and 17. The appeal is dismissed.

D042978 People v. Ibanez

The judgment is affirmed. Aaron, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D042087 People v. Garrett

The judgment is affirmed. Irion J.; We Concur: Benke, Acting P.J., Haller, J.

D041398 People v. Johnson

The judgment is affirmed. McIntyre, J.; We Concur: McConnell, P.J., McDonald, J.

D042729 In re Hanna S., a Juvenile

The opinion filed April 22, 2004, is ordered certified for publication.

**D044240 HSD Venture v. Superior Court of San Diego County/One Harbor Drive
Homeowners Association**

The petition is denied.